

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.9939 of 2021

Y.Allah Baksh

...Petitioner

Vs

1. The Chairman,
The Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

2. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Vallal Seethakathi Nagar,
Chennai 600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.02.2021.

For Petitioner : Ms.G.Sumitra

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondents to consider his representation dated 11.02.2021.

2. According to the petitioner, he is the Hereditary Muthawalli of Mosque and Muslim burial ground situated in Arapakkam Village, Walaja Taluk, Vellore District. The petitioner's ancestors were the hereditary Muthawallis of the said Mosque and burial ground. The petitioner's ancestor Hayath Basha had executed a Will dated 21.08.1952 appointing his grand father Hassan Sheriff, as the Hereditary Muthawalli. After his demise, the petitioner's father Yusuf Sheriff was taking care of the Mosque and burial ground as Muthawalli, till his demise in the year 2010. Thereafter, the petitioner has been discharging the duties of Hereditary Muthawalli. Now, the said mosque, which is more than 150 years old, is in dilapidated condition, The petitioner and his relatives are ready and willing to contribute for construction of a new

mosque and that they proposed to complete the construction within a period of six months. after getting permission from the Wakf Board and the Planning permission from the local authority. In this regard, the petitioner sent a representation dated 11.02.2021 to the respondents. Though the said representation was received by the respondents, no order has been passed so far. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 11.02.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Chairman,
The Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Vallai Seethakathi Nagar,
Chennai 600 001.

2. The Chief Executive Officer,
The Tamil Nadu Wakf Board,
No.1, Jaffer Sarang Street,
Vallai Seethakathi Nagar,
Chennai 600 001.

+1cc to Mr.G.Sumithra, Advocate SR.No. 24217

W.P.No.9939 of 2021

GPL(CO)
A.SK(16.06.2021)